

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Heather B. Black,

Plaintiff,

v.

St. Francis Hospital, Inc. d/b/a St.  
Francis Hospital, Downtown,

Defendant.

Case No. 6:24-cv-04888-JDA-KFM

**OPINION AND ORDER**

This matter is before the Court on Defendant's motion to stay litigation and compel arbitration or, alternatively, to dismiss. [Doc. 7.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings.

On February 28, 2025, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Defendant's motion be denied. [Doc. 28.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [Id. at 12.] Neither party has filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge

or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Defendant’s motion to stay litigation and compel arbitration or, alternatively, to dismiss [Doc. 7] is DENIED.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin  
United States District Judge

March 17, 20215  
Greenville, South Carolina